

October 12, 1979

Memo to File:

RE: Don Fullmer  
(Interstate Brick Company)  
Koosharem Clay Mine  
ACT/031/002  
Piute County, Utah

On October 11, 1979 Mike Thompson and Jim Smith performed an on-site inspection of the Koosharem Clay Mine with Mr. Don Fullmer, at his invitation. Mr. Fullmer is aggrieved by the Division's and the Board's decision that he be required to post a surety to cover total reclamation and that he perform the reclamation if operations have not been resumed by the end of an allowable two-year suspension period.

It was Mr. Fullmer's contention that the partial reclamation performed by Interstate Brick, at his request, to leave the mineral resource exposed, was satisfactory. He was again informed by the Division, as he has been previously, that the reclamation was satisfactory only for a two-year suspension period while he located another operator to continue mining his claims and leases and that the reclamation was only considered by the Division to be temporary; also, a reclamation surety was required.

Mr. Fullmer was of the opinion that the Division was trying to do a "hatchet-job" on him and that the Division was not interested in the small operator or developing the State's mineral resources. He was advised that this was surely not the case. Mr. Fullmer was very adamant about posting a surety or doing any further reclamation. It was his feeling that he had an agreement with Interstate Brick and that they should be the responsible party for posting the surety and/or performing the reclamation. Mr. Fullmer informed the Division personnel that two years did not allow him sufficient time to locate another operator to further develop the clay deposit which lies mainly on State land.

During the inspection Mr. Thompson and Mr. Smith pointed out areas of concern regarding the reclamation work performed and the work still required for complete reclamation. Basically, what the Division would like to see would be a better job of regrading and reseedling, with the use of fertilizer and mulch to further enhance the chance of <sup>a</sup>successful revegetation effort. He was informed that if this was done, then, possibly, a surety might not be required. At any rate, an agreement to the problem could not be reached so Mr. Fullmer was advised to request a formal hearing before the Board at the earliest possible time.

JAMES W. SMITH, JR. *JWS*  
RECLAMATION SOILS SPECIALIST

cc: John Blake  
Division of State Lands

JWS/te